



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 6, 1996

Mr. Yuri Calderon  
Assistant School Attorney  
Houston Independent School District  
Hattie Mae White Administration Building  
3830 Richmond Avenue  
Houston, Texas 77027-5838

OR96-0151

Dear Mr. Calderon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 38156.

The Houston Independent School District (the "district") received a request for an offense report detailing the alleged assault of an elementary school student by a substitute teacher. District police officers created this report during their own investigation of the incident.<sup>1</sup> The report was then "forwarded to the Houston Police Department Child Abuse Unit for assistance and further action." You state that the district has provided the requestor with "the public information portions of the police report (with the information relating to juveniles deleted)." You contend that the remainder of the report is excepted from disclosure by section 552.108 of the Government Code.

Section 261.201(a) of the Family Code provides as follows:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

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<sup>1</sup>Section 37.081 of the Education Code grants the district's board of trustees the authority to commission peace officers who serve in the school district's police department.

(2) except as otherwise provided in this section, the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Because the requested offense report documents an alleged case of child abuse, the report is within the scope of section 261.201 of the Family Code. You have not cited any specific rule that the district has adopted with regard to the release of this type of information; therefore, we assume that no such regulation exists. Given that assumption, the requested records are confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (predecessor statute). Accordingly, the district must withhold these records.<sup>2</sup> Further, because section 261.201(a) protects all "files, reports, communications, and working papers" related to an investigation of child abuse, the district must not release first page offense report information in cases of alleged child abuse.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 38156

Enclosures: Submitted documents

cc: Mr. Alfred Flores  
A Professional Corporation  
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(w/o enclosures)

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<sup>2</sup>We note, however, that if the Texas Department of Regulatory Services has created a file on this alleged abuse, the child's parent(s) may have the statutory right to review that file. *See* Fam. Code § 261.201(f).